DETAILED ACTION

This Response responds to the Office Communication dated September 29, 2010. Applicant respectfully requests reconsideration of this application in view of the following remarks. Claims 1, 14, and 21 are independent. Claims 1-25 are currently pending in the case. Further examination and reconsideration of the instant application is respectfully requested.

Claim Rejections – 35 USC § 103

The Examiner rejected claims 1-25 under 35 USC § 103(a) as being unpatentable over Davies (U.S. 2002/0059407) in view of Herrmann (U.S. 2001/0032259) and further in view of Motoyama (U.S. 2004/0049552). This rejection is traversed.

The present application discloses a network resource management system that manages devices operating in a data network. Monitoring is performed periodically to determine if any changes are present, such as, a value of one or more local resource properties of a managed network device. As a result of the monitoring, a learning event report is generated to reflect the detected changes. The report is then transmitted to the central data store to update a network management system. A local resource manager is used to monitor the resource properties. By monitoring resource properties locally, the network is able to conserve resources that would normally be required for frequent polling sessions conducted by a centralized management system.

Paragraph [0041] of the published counterpart application of the present invention (U.S. 2004/0008727) provides details of how a priority ranking can be used to determine the frequency of generating and/or transmitting the learning event reports. For example, Referring to paragraph [0041],

> "In the preferred embodiment, upon receipt of an interrupt signal or other expression of a change in a LRP, the LRM 210 preferably assesses the priority level of the learning event. <u>Higher priority events are affirmed in the prioritizing test 418 used to generate a learning event report 420 that is immediately transmitted 422 to the CDS 208</u> where learning event report is recorded in the updating step 424. <u>A lesser priority learning event is generally treated comparably to a current LDP value 434 and incorporated in to the periodic learning event report in the reporting step 420.</u> Inclusion of a new switching module or removal of an existing switching

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> module, for example, generally constitute high priority learning events and are, therefore, immediately communicated to the central data store 208. New devices being connected to the network or a device being removed from the network is a lower priority event. This information can be communicated to the central data store every 15 or 30 seconds, for example."

Claim 1 recites features which reflect the above-noted teachings of paragraph [0041] of the present application. For instance, claim 1 recites "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report." Similar features are recited in independent claims 14 and 21. The Examiner has maintained the position that Motoyama discloses the above-noted features of the pending claims as supported by paragraph [0041] of the present application. Applicant submits that Motoyama is not comparable to the features recited in the pending claims.

As noted previously, the Examiner has relied on paragraphs [0012], [0013], [0063], [0081], [0082] and [0089] of Motoyama as allegedly disclosing the above-noted features of the pending claims. Applicant maintains the position that these portions of Motoyama's disclosure do not disclose or suggest "wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 1.

Paragraphs [0012] and [0013] of Motoyama disclose a method of determining problems with network devices, and transmitting messages to a resource manager in an effort to document and seek assistance with resolving the problems. For example, line 5 of paragraph [0013] discloses the network resource may send a status message to the resource manager when urgent service is needed. The network resource may be a network device, printer, copier, etc. The information sent may include usage, paper jams, toner, energy usage, functionality, usage frequency, etc. Applicant submits that paragraphs [0012] and [0013] do not disclose any priority assessment or priority test being performed at all. Nothing is disclosed which provides support for a frequency of uploading the learning report, and, where the frequency of uploading is based on a priority.

Turning to paragraph [0063] of Motoyama, there is no support for any priority being assessed or a frequency of uploading a learning event being determined based on a priority of a learning event. Motoyama discloses that FIG. 5 includes a network where data 256 is used to

document history, performance and malfunctions of device operation, failure, or setup. A service machine 254 may request remote control or diagnostic tests be performed on monitored devices. As for any uploading frequency of learning event reports, Motoyama is silent. No frequency of learning event reports is considered or based on any priority whatsoever.

As for paragraphs [0081] and [0082] of Motoyama, there is no subject matter outside the scope of what was discussed with regard to paragraphs [0012] and [0013]. For example, summary information may be sent periodically based on predetermined intervals, such as, monthly, weekly, etc. Frequency of sending summary reports is not a function of priority, or, a priority that is based on a learning event. Further, priority is not assessed based on local resource properties. Motoyama classifies urgent and non-urgent messages as reports that are predetermined based on one or more categories, such as, urgent = copy machine malfunction, printer malfunction, lack of power, and, non-urgent = usage reports and other administrative information.

There is simply no suggestion or evidence that such classification of messages is tied to a frequency of uploading a report being based on a priority, and, that such a priority is based on a learning event. Motoyama discloses that such messages are sent regardless, and the urgent/non-urgent status is nothing more than a label associated with the message.

Paragraph [0089] discloses that,

> "Any type of **high priority** event for which immediate attention is needed or which the remote monitoring device would be interested in on an expedited basis is sent in a **connection-mode** of communication. This may be used when a hazardous connection exists within the machine or when something in the machine needs immediate attention. For example, if a thermistor in the fuser unit senses a high and unsafe temperature, a direct connection mode may be used. However, the transmission of a weekly or monthly report indicating the usage and a normal condition state in the machine can use the slower e-mail-mode of communication."

Applicant submits that the mere upgrading of the transmission service used to communicate a high priority event (from regular e-mail to "connection-mode" communication) is **not comparable** to "assessing a priority of the local resource properties…generating a learning event report comprising the value and a priority test of the learning event of at least one of the one or more local resource properties…wherein a frequency of uploading the learning

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event report is determined based on a priority of a learning event associated with the learning event report", as recited in claim 1 and similarly recited in claims 14 and 21. Connection-mode is a term used to indicate secure and efficient communication signaling. In other words, the connection-mode may indicate a more reliable communication protocol/medium/channel. However, the connection-mode of communication is discussed in Motoyama to indicate a different type of medium than the standard "e-mail" used to transfer "weekly or monthly" reports.

Conversely, the present application discloses that a report is generated and the actual decision to send the report is based on a function of the priority. For example, if the priority is related to an urgent matter, the report can be sent immediately as opposed to waiting for a default report uploading schedule. **In contrast to the teachings of the present application, Motoyama explicitly recites that the schedule is fixed and only the connection medium is changed (connection-mode vs. e-mail mode)**. Paragraph [0089] of Motoyama does **not** disclose or suggest that a report is generated locally and uploaded at a time frequency based on a determined priority of the learning event itself. At best, Motoyama discloses that the priority of an event dictates **how** a message is sent and **not the frequency** of when the message is sent.

Accordingly, all of the claim recitations of claims 1, 14 and 21 are not disclosed or suggested by the combination of Davies, Hermann and Motoyama. A *prima facie* case of obviousness has not been established. By virtue of dependency claims 2-13, 15-20 and 22-25 are also allowable over the combination of Davies, Hermann and Motoyama. Withdrawal of the rejection and an allowance of claims 1-25 is kindly requested.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at any time.

	Respectfully submitted,
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